

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MAURICE HOLBERT,

Defendant.

8:06CR192

ORDER

This matter is before the court on the motion for an extension of time by defendant Maurice Holbert (Holbert) (Filing No. 12). Holbert seeks an additional thirty days in which to file pretrial motions in accordance with the progression order (Filing No. 8). Holbert's counsel represents that government's counsel has no objection to the motion and that Holbert consents to the motion and has acknowledged he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Holbert's motion for an extension of time (Filing No. 12) is granted. Defendant Holbert is given until **on or before August 21, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 21, 2006 and August 21, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 1:30 p.m. on August 7, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 21st day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge